

There is an enormous amount of misinformation circulating regarding the recent enactment of the *“Large Lot Subdivision Regulations”* by the Morgan County Planning Commission, which were approved by the Morgan County Commissioners. I have outlined below, in plain English, what the regulations really mean, and what they do not mean.

These large lot regulations are part of the “major subdivision regulations.” The major subdivision regulations do not apply until you make five land “splits” in a single year. If you wish to sell or give away up to four parcels in one year, you are free to do so without submitting your plans to the planning commission. Four splits does not meet the definition of a “major subdivision.”

If you divide your property into five parcels in a single year, then you have created a major subdivision, and the plans must be submitted to the planning commission for review. This is not a change. These regulations have been in place since 2004.

By way of background, the reason the planning commission enacted the major subdivision regulations, was to provide for public health and safety. Some “bad” subdivisions had been created where several driveways entered public roadways within a short distance, or on a blind hill or curve, creating serious safety hazards.

Driveways require culverts and complicate road maintenance, and require approval of the county engineer. A better scenario for a subdivision is to create a single entrance road from the public roadway, and to connect driveways to that “private road.”

Under the 2004 regulations, the subdivision rules only applied to lots up to five acres. In other words, if you created lots of 5.001 acres, the rules did not apply. Some developers, knowing about this “loophole,” would create lots just slightly over five acres to avoid complying with the existing “major subdivision regulations.”

The large lot subdivision regulations do not require you to make lots of any specific size. The lots may be of any size you desire, so long as they meet the requirements of the Health Department for the installation of a suitable septic system. Even in the case of a major subdivision, the lots may of any size you choose, so long as they will accommodate an approved septic system.

The regulations do not require you to divide property into five acre, twenty acre, or larger parcels. If you choose to “survey off” one acre to sell or give to your child, you are free to do so.

There is no change in how you can divide or sell real estate, unless you are creating a major subdivision of at least five lots.

An example was recently cited in the *Morgan County Herald* (October 11, 2006), in which it was suggested that under the new rules, a one hundred acre farm must be divided into fewer and larger parcels, thus limiting the landowner's profitability. This is incorrect.

A one hundred acre farm may be divided into one hundred lots of one acre each - if the Health Department approves them for septic systems. That will be a major subdivision, and the planning commission must review the plans. But again, this is not a change from the existing regulations.

If the landowner chooses to divide the one hundred acre property into four twenty-five acre tracts, that would avoid review by the planning commission for two reasons: because it is fewer than five splits, and the lots are larger than twenty acres.

Finally, exemptions to the rules exist for agricultural and recreational land use.

In my short association with the planning commission, I have observed this group of citizens as willing to devote a great deal of their personal time to learning and understanding many aspects of community planning. They are reasonable people, representing a cross-section of backgrounds and interests. They are genuinely concerned about doing what is best for Morgan County.